

REMARKS

The Office Action dated November 16, 2004 has been carefully reviewed. Claims 19-37 are pending in this patent application. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 19-37 were rejected under 35 U.S.C. § 103 as being unpatentable over Gustin et al. (U.S. Patent No. 5,897,625), in view of Carlisle et al. (U.S. Patent No. 5,649,118), and further in view of Walker et al. (U.S. Patent No. 6,193,155). Reconsideration of claims 19-37 is respectfully requested.

Discussion Regarding Patentability of claim 19

Claim 19 reads as follows:

A method of operating an electronic banking terminal, comprising the steps of:

- (a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first PIN number into said terminal;
- (b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number;
- (c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and
- (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

It was stated in the Office Action that Gustin fails to teach steps (b) and (d) identified above. (See 11/16/05 Office Action at page 3, lines 3-8). However, it was stated in the Office Action that Carlisle teaches step (b) above and reference was made to its column 3, lines 38-44 and column 10, lines 32-50, and further

that Carlisle teaches step (d) above and reference was made to its column 13, lines 12-67.

Carlisle Does Not Teach Steps (b) and (d) of Applicant's Claim 19

Carlisle discloses a system and method wherein a single set of consumer items (e.g. a box of cereal, a carton of orange juice, a bottle of shampoo, and several candy bars) may be purchased by debiting any of a plurality of accounts stored on a smart card. (See, e.g., Carlisle at column 1, lines 65-67, and column 21, lines 57-67.) No terminal is operated in Carlisle to permit deposit of funds into a banking account, much less, in response to entry of a second PIN number into the terminal, the first PIN number being different than the second PIN number as required by step (b) of Applicant's claim 19. Furthermore, no terminal is operated in Carlisle to permit user withdrawal of funds up to a second dollar amount limit from the banking account in response to entry of the second PIN number into the terminal, wherein the first dollar amount is less than the second dollar amount.

Applicant has reviewed the passages of Carlisle identified in the Office Action and cannot locate any such teachings. (See column 3, lines 38-44; column 10, lines 32-50; column 13, lines 12-67.) Rather, Carlisle appears to be concerned with providing a smart card with the capability to selectively debit any of a plurality of accounts. This capability is clearly set forth in Carlisle by the text describing its flow chart of Fig. 14. (See column 21, line 57 through column 24, line 24.) Many significant differences exist between the operation of the system

of Carlisle and the steps of Applicant's claim 19 including steps (b) and (d). One prominent distinction is Carlisle does not act on a single account but rather selectively debits between multiple accounts (e.g. Visa, Master Card, Discover, American Express). Thus, Carlisle clearly does not teach steps (b) and (d) of Applicant's claim 19.

Conclusion

If Carlisle's teachings of selectively debiting between multiple accounts were provided to the system of Gustin thereby modifying that system to include that capability of Carlisle, the resulting combination would not arrive at the invention of Applicant's claim 19. Since neither Gustin nor Carlisle (nor Walker) discloses steps (b) and (d) of Applicant's claim 19, then a system resulting from a combination of Gustin and Carlisle (and Walker) does not arrive the invention of Applicant's claim 19. Accordingly, the proposed combination of Gustin, Carlisle, and Walker does not establish a prima facie case of obviousness under 35 U.S.C. § 103 with regard to the invention of claim 19.

Moreover, if the rejection of claim 19 is maintained after consideration of the discussion included herein, then Applicant respectfully requests that the Examiner explain how the identified teaching, suggestion or incentive¹ would motivate one skilled in the art to modify Gustin with the teachings of Carlisle.

Discussion Re: Patentability of Claims 20-28

Each of claims 20-28 depends directly or indirectly from claim 19. As a result, each of claims 20-28 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 19.

Discussion Re: Patentability of Claim 29

The discussion relating to the patentability of claim 19 is relevant to the patentability of claim 29. Thus, claim 29 is believed to be allowable over the cited art.

Discussion Re: Patentability of Claim 30-37

Each of claims 30-37 depends directly or indirectly from claim 29. As a result, each of claims 30-37 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 29.

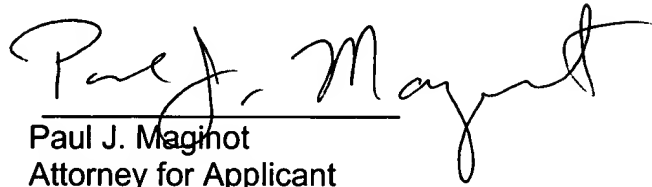
¹ The identified motivation for modifying the teachings of Gustin with the teachings of Carlisle was "because such a modification would allow Gustin to identification to get information in the form of ID and RND1 when a prompt for input is given to provide a PIN string and PIN is confirmed.

Conclusion

In view of the foregoing remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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A handwritten signature in black ink, reading "Paul J. Maginot". The signature is written in a cursive style with a horizontal line underneath the name.

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